

REMARKS

Claims 1, 10, 13, 22 and 32-33 are examined.

The Examiner rejected Claims 1, 10, 13, 22 and 32-33 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent 9-2488 ("Ishigaki"), in view of U.S. Patent 6,007,246 ("Kinigakis"). The Examiner states, in pertinent part:

Ishigaki et al. discloses a bag comprising a top end having a seal, a bottom end, first and second side edges on opposite sides of the bag each extending between the top and bottom ends, the first side edge having a non-gusseted portion located proximate to the top end, forming an acute included angle with the top end (see Figs 2, 4, 9 and 10) and being substantially perpendicular to and longer than the bottom end. A pour spout is located along the non-gusseted portion and oriented substantially parallel to the first side edge to provide access to an opening. However, Ishigaki et al. does not show the bottom end having a generally ovoid shape. Kinigakis et al. discloses that it is known in the art of dispensing bags to provide a bottom end that is generally ovoid in shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bottom end of Ishigaki et al. with the ovoid-shaped, bottom end of Kinigakis et al., in order to permit the bag to rest in an upright position.

Applicant respectfully submits that the Examiner is mistaken. Claim 1 recites a spout that is located along a non-gusseted portion of a side edge that extends between the top and bottom ends of the bag and which is longer than the bottom end of the bag:

1. A reclosable bag for storing material, comprising:

a top end having a heat seal and a bottom end having a generally ovoid shape for resting the reclosable bag upright;

first and second side edges on opposite sides

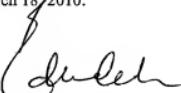
of the reclosable bag, each extending between the top and bottom ends, wherein the first side edge has a non-gusseted portion that is proximate located near the top end, forming an acute included angle with the top end and being substantially perpendicular to and longer than the bottom end,
and

a pour spout located along the non-gusseted portion and oriented substantially parallel to the first side edge, the pour spout having a reclosable fastener which provides access to a reclosable opening and which includes either a zipper or a slider, the reclosable opening being substantially vertical when the reclosable bag is in a generally upright position.

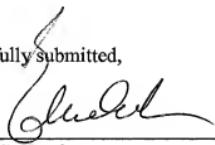
(emphasis added)

Contrary to the Examiner's contention, such a pour spout is neither disclosed nor suggested by any of Ishigaki's Figs. 2, 4, 9 and 10. Instead, Ishigaki shows, in each of Figs. 2, 4, 9 and 10, a pour spout that is provided along a short edge of a spout body that extends out from a side edge of the bag. That short edge neither extends between the top and bottom ends of the bag, nor is it longer than the bottom end of the bag. Therefore, Applicant submits that Claim 1 and its dependent Claim 10 and 31 are each allowable over the combined teachings of Ishigaki and Kinigakis. Independent Claim 13 and its dependent Claims 22 and 33 each recite similar limitations are likewise allowable over the combined teachings of Ishigaki and Kinigakis. Reconsideration and allowance of Claims 1, 10, 13, 22 and 32-33 are therefore requested.

For the reasons set forth above, all claims (i.e., Claims 1, 10, 13, 22, and 32-33) are now in condition for allowance. If the Examiner has any questions regarding the above, the Examiner is requested to call Applicant's attorney at 408-660-4149.

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